

BALANCES AGAINST RECEIVERS—ON SALES OF PUBLIC LANDS.

LETTER

FROM

THE COMPTROLLER OF THE TREASURY,

TRANSMITTING

*A List of Balances against Receivers of Public Moneys on account of
the sales of Public Lands.*

JANUARY 13, 1835.

Read, and laid upon the table.

TREASURY DEPARTMENT,
Comptroller's Office, January 13, 1835.

SIR: I have the honor to transmit, herewith, the following list of balances against receivers of public moneys on account of the sales of public lands which have remained due, or unsettled on the books of the Treasury, for more than three years prior to the 30th of September, 1834.

With great respect,

Your obedient servant,

JOS. ANDERSON,

Comptroller.

Hon. JOHN BELL,

Speaker of the House of Representatives.

LIST OF BALANCES due by *Receivers of Public Moneys*, on account of sales of *Public Lands*, which have remained due or unsettled on the books of the *Treasury* for more than three years prior to the 30th September, 1834.

District.	Name of Receiver.	Amount.	Remarks by the Solicitor of the Treasury.	Remarks by the Comptroller of the Treasury.
Steubenville, Ohio, -	Peter Wilson, -	\$9,909 26	Judgment against the principal at July term, 1827, for \$9,909 26. His estate was sold under execution by the marshal, on the 15th May, 1830, for the sum of \$2,423 11. Of this sum property to the amount of \$1,590 was purchased by the district attorney, as U. S. agent, &c. The suits against his sureties, Myers and Campbell, are still pending. Since the date of the judgment against the principal the sum of \$2,059 28 has been deposited to the credit of the Treasurer of the United States.	
Cincinnati, Ohio, -	Moses Dawson, -	18 78	- - - - -	Claims further credits. Directed to forward vouchers.
Delaware, Ohio, -	Horton Howard, -	33 52	- - - - -	Do. do. do.
Fort Wayne, Indiana, -	Joseph Holman, -	4,721 42	Suit ordered, August 18, 1830, for \$4,721 42. Judgment at Nov'r term, 1830, for \$4,980 07, and the money paid to the clerk in open court. Henry Hurst, Esq., clerk U. S. district court for the district of Indiana, advised, by letter, dated April 16, 1831, that he had made a deposit of \$4,900 in the office of the Bank of the United States at Louisville, Kentucky, subject to the order of the District Court of Indiana. The district attorney has been written to, to cause the money to be deposited to the credit of the Treasurer of the United States.	
Jeffersonville, Indiana, -	Charles M. Taylor, -	5,738 80	Suit ordered October 13, 1825, in the district of	

			Kentucky, against all the parties to the bond, for \$10,403 45; but was reduced, by subsequent settlements, up to July, 1827, to \$5,738 80. Judgment at May term, 1829, for \$5,738 80, with interest from the 6th October, 1826, till paid. Execution in the hands of the marshal. Execution stayed against <i>Wordon Pope and others</i> , sureties in this case, January 23, 1834, in consequence of their having a petition before Congress for relief. Balance reduced, in June, 1834, to \$4,276 93.
Jeffersonville, Indiana,	Andrew P. Hay,	5,046 72	Suit ordered July 16, 1830, against principal and sureties, for \$6,919 72. Judgment November term, 1830, for \$7,568 55, with interest from December 18, 1830, till paid. The district attorney was instructed, September 10, 1831, to suspend proceedings against <i>John Fishli</i> , one of the sureties in this case, and to file a bill of discovery against the other sureties, who had placed their property beyond the reach of the Government; and if any property should be given up by them, to cause it to be sold on a credit of <i>one, two, and three</i> years. Balance reduced, by a settlement in December, 1833, to \$5,046 72, exclusive of interest.
Vincennes, Indiana,	J. C. S. Harrison,	9,253 08	
Vandalia, Illinois,	Wm. L. D. Ewing,	13,520 41	Suit ordered December 17, 1830, against the principal and his sureties for \$17,542 61. Balance reduced, by subsequent settlements up to February, 1832, to \$13,520 41. Judgment December term, 1832, against Wm. L. D. Ewing, the principal, and E. C. Berry, surety, for \$15,142 85, with interest from 5th Dec'r, 1832, till paid. Instructed the district attorney, March 18, 1834, to suspend further proceedings on the judgment rendered in this

Allowed 18 years to pay this,
per act March 2, 1831.

LIST OF BALANCES—Continued.

4

District.	Name of Receiver.	Amount.	Remarks by the Solicitor of the Treasury.	Remarks by the Comptroller of the Treasury.
Edwardsville, Illinois,	Benjamin Stephenson,	\$6,460 41	case, so long as Ewing, the principal, shall continue the payment of \$2,000 a year, until the whole amount of the judgment is satisfied, upon his filing in the attorney's office the written assent of all his sureties, and paying all costs, &c. Suit ordered August 28, 1824, for \$255,354 07. Balance reduced, in Mar. 1831, to \$6,460 41. <i>Non-suit</i> June term, 1830, as to <i>sureties</i> , upon the plea of <i>non est factum</i> , &c. Judgment December term, 1831, against <i>Lucy Stephenson</i> , administratrix of Benjamin Stephenson, deceased, for \$2,725 27, the amount of assets in her hands. Execution issued, and returned by marshal, "No property."	
Edwardsville, Illinois,	Eml. J. West,	142 34	Suit ordered August 20, 1833, against the principal and sureties for \$142 34. West, the principal, died insolvent; no representative. The suit against the sureties continued at May term, 1834.	
St. Louis, Missouri, -	George F. Strother, -	27,051 64	Suit ordered April 13, 1826, for \$32,830 55. Balance reduced, by a subsequent settlement in December, 1826, to \$20,631 86. Judgment against the principal, at September term, 1828, for \$26,112 12. The suit against the administrator of John Rice Jones, surety of Strother, is still pending. Balance increased to \$27,051 64, including interest, up to May 15, 1834, the date of last settlement.	
Jackson, Missouri, -	Tunstal Quarles, -	1,060 95	Distress warrant issued in this case, August 20, 1833, against the principal and George F.	

[Doc. No. 82.]

Opelousas, Louisiana,	Wm. Garrard,	-	27,230 57	Strother, his only surety, for the recovery of \$1,060 95. Principal returned " <i>Non est inventus</i> ." Surety not liable under the act of 15th May, 1820, the bond bearing date April 17, 1820.
Opelousas, Louisiana,	Luke Lecassier,	-	6,893 95	Suit ordered in this case Dec. 2, 1825, against principal and his sureties for \$27,230 57. Cause continued and dismissed at August term, 1830, by order of the presiding judge, it appearing to the court that the process was irregular, &c. The district attorney was instructed, by letter, dated November 3, 1830, to <i>renew</i> the suit, which has been done. In the attorney's report for September, 1833, he states that no term of court has been held in his district since August term, 1830.
New Orleans, Louisiana	Nathaniel Cox,	-	4,163 56	Suit ordered September 13, 1825, against the principal and his sureties for \$12,893 95. A payment of \$6,000 was made by the district attorney April 29, 1828, to the credit of the Treasurer of the United States, which reduced the balance to \$6,893 95. For this last-mentioned balance the suit is still pending. Debt considered good. No court held in the western district of Louisiana since August term, 1830.
Jackson Court-house, or Augusta, Mississippi.	Wm. Barnett,	-	107 85	A distress warrant issued in this case, August 20, 1833, against the principal and John Fowles, his only surety, for the recovery of \$4,163 56. Injunction granted by Judge Harper in September, 1833, and the case is now pending in the United States district court for the eastern district of Louisiana.
				Suit ordered August 18, 1830, against the principal and sureties for \$107 85. Writ returned by marshal, " <i>Not found</i> ." Suit dismissed at January term, 1833, at the cost of the United States.

LIST OF BALANCES—Continued.

6

District.	Name of Receiver.	Amount.	Remarks by the Solicitor of the Treasury.	Remarks by the Comptroller of the Treasury.
Washington, Miss., -	Alfred W. McDaniel,	\$9,590 46	A distress warrant was issued in this case, August 20, 1833, against the principal and his sureties, in the district of Mississippi, for the recovery of \$9,590 46. On the 2d January, 1834, another warrant, against the principal only, was transmitted to the United States marshal at New Orleans. In the marshal's reply, dated January 31, 1834, he states that he has arrested McDaniel under the authority of the warrant, and that he, McDaniel, represents himself to be in poverty, &c. Indulgence granted to sureties till January 1, 1835.	
Washington, Miss., -	James Duncan, -	55 72	Suit ordered January 10, 1834, against the principal and sureties. No report yet received from the district attorney.	
Choctaw, Mississippi, (Mount Salus.)	James C. Dickson, -	10,548 61	Suit ordered March 31, 1832, against the principal and sureties for \$10,858 86. Balance reduced, in May, 1833, to \$10,548 61. Judgment January term, 1834, for \$4,080 18, with interest from March 10, 1834, till paid, and costs. Execution issued.	
St. Stephen's, Alabama,	Samuel Smith, -	33,590 92	Suit ordered in this case, November 10, 1817, for \$74,188 11. Balance reduced, by subsequent settlements, to \$33,590 92. Judgment against the representatives of Smith, at April term, 1820, for the amount then certified to be due to the United States. Execution issued. No property found. Died totally insolvent. The sureties have heretofore been returned <i>non sunt inventi</i> . Their place of residence has recently been ascertained, and,	

[Doc. No. 82.]

Cahawba, Alabama, -	John Taylor,	11,115 20	on the 21st January, 1834, suits were directed to be instituted against them. Suit ordered December 2, 1825, for \$17,463 24. Balance reduced, by subsequent settlements up to July, 1833, to \$11,115 20. Proceedings suspended from time to time, at the request of the Hon. William Smith, administrator and surety of Taylor. The district attorney states that this debt will be collected. The suit against the administrator and sureties still pending.
Cahawba, Alabama, -	Wm. Taylor,	23,350 18	Suit ordered July 8, 1829, for \$40,570 75. William Taylor, the principal, insolvent. All his property, real and personal, was sold under a deed of trust, for the benefit of the United States, on the 23d March, 1830, on a credit of one and two years, with interest from day of sale. Proceeds of sale \$13,717 58. The district attorney has collected and deposited, at sundry times, on account of the sales, up to January 20, 1833, the sum of \$14,869 74, including interest. Balance reduced, in July, 1834, to \$23,350 18. The suit against D. B. Mitchell, the only surety, still pending.
Cahawba, Alabama. -	Horatio G. Perry,	6,074 41	Suit ordered July 8, 1829, against principal and sureties for \$6,074 41. Judgment May 13, 1833, for \$5,218 27. Execution issued. Marshal's return, "No property to satisfy the <i>fi. fa.</i> "
Sparta, Alabama, -	Andrew T. Perry,	29,755 57	Suit ordered April 28, 1828, against principal and sureties, in the southern district of Alabama, for the recovery of \$29,755 57. The attorney of Alabama advised, by letter of December 4, 1828, that Perry, the principal, had absconded with his property to the State of Mississippi. Judgment rendered against the principal, in the district of Mississippi,

LIST OF BALANCES—Continued.

8

District.	Name of Receiver.	Amount.	Remarks by the Solicitor of the Treasury.	Remarks by the Comptroller of the Treasury.
			<p>at April term, 1829, for \$32,507 95; and instructions given to the marshal to levy on negroes, &c. in possession of one James Bush, a brother-in-law of Perry, the principal. The marshal declined levying on the negroes in possession of Bush, and supposed to belong to Perry, without assurance of indemnity, &c. This assurance the late agent of the Treasury did not feel authorized to give. He, therefore, in order to adopt some course to ascertain the right to the property in question; recommended to the district attorney, by letter, dated August 12, 1829, to file a bill in chancery, &c. The district attorney advises, by letter of 10th January, 1830, that he has filed a bill in chancery; that a levy was made on the judgment against Perry on property in possession of Bush, and that a bond was given for the trial of the right of property; and that he has little doubt but that it can be proven that the property in Bush's possession was purchased with money received by Perry for the United States, &c. The district attorney, in his report of the district court for January term, 1831, advises that the bond for the trial of the right of property was quashed, and execution issued against Andrew T. Perry, returnable to June term, 1831. Same proceedings in the case of James Bush. Execution for \$32,507 75 in the hands of John Campbell, marshal of Mississippi,</p>	

[Doc. No. 82.]

Cahaba, Alabama,	-	David McCord,	-	\$8,354 12	per his receipt, dated February 1, 1831. No report yet received from the marshal. The district attorney has recently been written to for a full report of this case.
Indianapolis, Indiana,	-	Lazarus Noble,	-	31 93	Suit ordered July 8, 1829, for \$8,354 12. McCord dead. The suit against his representatives still pending, in consequence of their having petitioned Congress for relief.
Opelousas, Louisiana,	-	David L. Todd,	-	1,121 98	On the 2d January, 1832, the district attorney of Indiana made a deposite of \$27 in the Branch Bank of Louisville, Kentucky, to the credit of the Treasurer of the United States, on account of Mr. Noble; and states, in his letter of February 6, 1833, that the balance of the claim has been allowed in a settlement at the Treasury.
Sparta, Alabama,	-	John Herbert,	-	6,124 93	Suit ordered July 27, 1830, against the principal and sureties for \$15,095 52. Todd, the principal, dead. His estate good, and his sureties solvent. Balance reduced, by subsequent settlements, to \$1,121 98. For this last-mentioned sum suit is still pending.
Huntsville, Alabama,	-	John Brahan,	-	33,836 93	Suit ordered April 10, 1827, for \$6,124 93. Judgment, Dec'r term, 1827, for \$6,369 93. Balance reduced, by subsequent settlements, to \$3,022 62, including interest up to March, 1834. Claim good.

This sum will be passed to the credit of Mr. Noble, when covered by warrant, together with such other as, upon a revision of his accounts, he may be entitled to.

This debt was originally \$74,827 33; to secure the payment of which, Mr. Brahan transferred to Le Roy Pope and others, sundry lands and notes of hand, to be appropriated to the payment of this debt, as will more particularly appear by referring to an agreement executed by said Brahan

MAP AND PROFILE OF THE PROPOSED ROAD

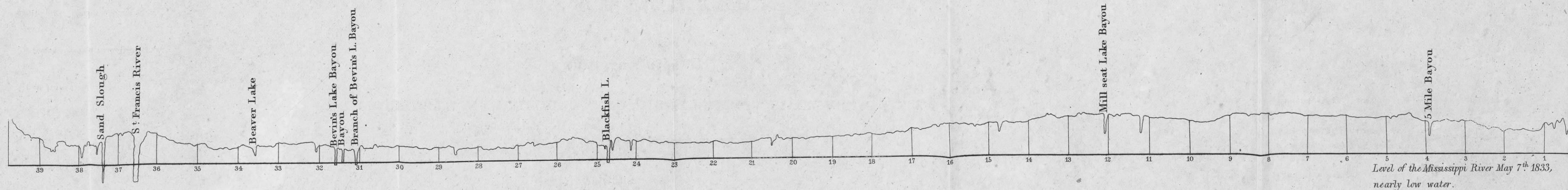
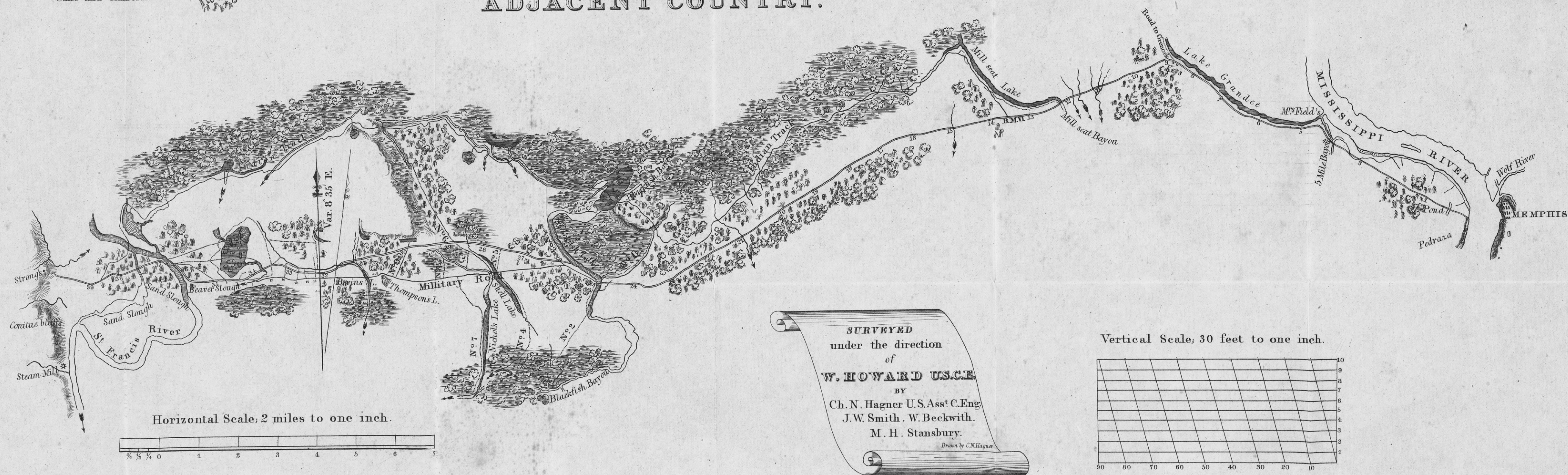
FROM OPPOSITE MEMPHIS, TENN. TO THE ST FRANCIS RIVER, ARKANSAS T.

Exhibiting also,
the

ADJACENT COUNTRY.

Cypress Lakes (water from 4 to 6 feet deep)
Open Lakes
Marshes covered with timber
Cane and Timber

Line of Location
Existing roads not coinciding with line of location
Experimental lines



LIST OF BALANCES—Continued.

District.	Name of Receiver.	Amount.	Remarks by the Solicitor of the Treasury.	Remarks by the Comptroller of the Treasury.
Jeffersonville, Indiana,	Wm. H. Hurst,	- \$782 87	- - - - -	and his wife and his <i>trustees</i> , dated Oct'r 13, 1819. Mr. Brahan has since deceased, but the debt is believed to be safe.
Crawfordsville, Indiana	Israel T. Canby,	- 46,433 53	Distress warrants have been issued against the principal and his sureties, in different States, for the full amount of this claim; and the marshals of those States directed to be governed by the instructions of F. A. Howard, Esq., special agent of the United States. Property of the parties concerned, sufficient to satisfy the whole claim, has been levied upon. Samuel Milroy and John Wilson, two of Canby's sureties, have, as trustees of said Canby, made a transfer of his property to the United States; in consequence of which, the United States agent was instructed, on the 13th October, 1834, to postpone the sale of Canby's lands for one year.	Original debt \$2,485 89; reduced, by subsequent settlements, to \$782 87; debt considered safe.